

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HICA EDUCATION LOAN CORP.,

Plaintiff,

v.

11 Civ. 1050 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

ALEKSANDR L. KOTLYAROV,

Defendant.

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DEBORAH A. BATTES, United States District Judge.

This matter is before the Court upon the August 6, 2013 Report and Recommendation of United States Magistrate Judge Frank Maas (the "Report"). Judge Maas's Report recommends that the Court dismiss this case without prejudice for lack of subject matter jurisdiction. (Report at 8.)

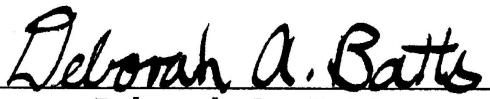
"Within fourteen days after being served with a copy [of a magistrate judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The Court may adopt those portions of the Report to which no timely objection has been made, as long as there is no clear error on the face of the record. DiPilato v. 7-Eleven, Inc., 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008)

(quoting Small v. Sec'y of Health & Hum. Servs., 892 F.2d 15, 16 (2d Cir. 1989)).

Despite being advised of the procedure for filing objections in Judge Maas's Report, and warned that failure to file objections would waive those objections for purposes of appeal, (Report at 8-9), Plaintiff has filed no objections to the Report. Nor has any other Party filed objections to the Report. Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Frank Maas, dated August 6, 2013, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. For the reasons detailed in Judge Maas's Report, this case is DISMISSED without prejudice for lack of subject matter jurisdiction. The Clerk of the Court is directed to close the docket in this case.

SO ORDERED.

Dated: New York, New York
August 29, 2013



Deborah A. Batts
United States District Judge